

**UNITED STATES DISTRICT COURT  
District of New Jersey**

CHAMBERS OF  
**JOSE L. LINARES**  
JUDGE

MARTIN LUTHER KING JR.  
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**NOT FOR PUBLICATION**

**LETTER OPINION**  
**ORIGINAL TO BE FILED WITH THE CLERK OF THE COURT**

October 23, 2007

**Re: United States of America v. Howard Dorian and Michelle Dorian**  
**Docket No. 06-6239**

Dear Parties:

Presently before the Court is a motion by Plaintiff, the United States of America, seeking a declaration from this Court that Plaintiff effected service of process upon defendant Howard Dorian. In the alternative, Plaintiff moves to extend time for service of process upon defendant Howard Dorian in the event that this Court denies its motion seeking a declaration that it effected service. Finally, Plaintiff requests an entry of default against defendant Michelle Dorian.

Having considered the moving papers and certifications attached thereto and for good cause shown, this Court finds that services of process was properly effected upon defendant Howard Dorian pursuant to applicable New Jersey state law. See N.J. Civ. R. 4:4-3. It is apparent to the Court based on the information presented that defendant Howard Dorian purposely undertook efforts to frustrate Plaintiff's good faith attempts to effect service upon him personally. Therefore, by mailing Mr. Dorian the summons and complaint in this action by certified mail and first class (ordinary) mail, Plaintiff properly effected service upon him. See N.J. Civ. R. 4:4-3.

Inasmuch as the Court has found that Plaintiff properly effected service upon defendant Howard Dorian, Plaintiff's motion to extend time for service of process is moot and therefore denied.

As it pertains to Plaintiff's motion regarding the entry of default against defendant Michelle Dorian, the Court finds that Ms. Dorian was properly personally served on February 21, 2007 and consequently, defendant Michelle Dorian's answer was due on March 13, 2007. No responsive pleading having been filed with this Court, default is hereby entered against defendant Michelle Dorian.

An appropriate order accompanies this letter opinion.

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/s/ Jose L. Linares

UNITED STATES DISTRICT JUDGE